

Appln. No. 09/864,107

Amdt. dated July 6, 2005

Reply to Office Action dated May 17, 2005

REMARKS/ ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The May 17, 2005 Final Office Action and the Examiner's comments have been carefully considered. In response, claims 1, 9-12 and 14-18 are amended, claims 4, 13, 21, 23 and 24 are canceled and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

Since claim 1 is amended to include subject matter from claims 4 and 21, claim 10 is amended to include subject matter from claim 13, and claims 9, 11, 12 and 14-18 are amended for clarification purposes, no new issues are raised.

Inasmuch as the present Amendment raises no new issues for consideration, and, in any event, places the present application in condition for allowance or in better condition for consideration on appeal, its entry under the provisions of 37 CFR 1.116 is respectfully requested.

PRIOR ART REJECTIONS

In the Office Action claims 1-19, 21 and 23-24 are rejected under 35 USC 103 as being unpatentable over USP 5,740,267 (Echerer) in view of USP 6,461,298 (Fenster et al.). In

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response, independent claims 1 and 10 are amended in a sincere effort to more clearly define the present claimed invention over the cited references. Claims 9, 11, 12 and 14-18 are amended to be consistent with the changes to claims 1 and 10 and in light of the cancellation of claims 4 and 13.

Claim 1 is amended and now includes subject matter from claims 4 and 21 and thus recites the step of enabling the generation of the measurement graphics without requiring a user to define a type of graphic being generated (claim 21) and further recites one type of measurement graphic generated upon actuation of the mouse button, i.e., an angle value quantity to a middle point of a triple-point actuating/positioning (claim 4).

Claim 10 is amended to describe one particular measurement graphic that can be generated based upon actuation of the button of the pointing device and now recites assigning means for assigning an angle value quantity to a middle point of a triple-point actuating/positioning (from claim 13).

A feature of the present invention is that it is possible to generate different measurement graphics for an image by actuating only a mouse button. The user is not required to define the type of measurement graphic being generated (see the specification at page 5, lines 23-32 and subsequent detailed discussion of the formation of the different graphics using only the mouse with reference to Figs. 3-9). One such measurement graphic is an angle

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value quantity which is generated when three points are identified in succession by positioning the mouse at three locations and actuating the button thereof (see Fig. 5).

The Examiner's rejection is respectfully traversed on the grounds that Echerer et al. and Fenster do not disclose, teach or suggest, inter alia, enabling the generation of the specific measurement graphic now set forth in claims 1 and 10 based only upon actuation of a mouse button.

Echerer et al. disclose a menu selection including a Manual Analysis menu wherein it is necessary to select specific buttons on the menu in order to generate different measurement graphics. Echerer et al. thus requires activation of a menu toolbar and selection of one of a plurality of different listed measurement graphics thereon in order to generate that graphic.

Fenster discloses an ultrasound imaging system which allows a user to measure distances and areas of images by clicking two or three times on a graphical user input device 38 when a pointer symbol representing the position of the input device 38 is situated on the image.

However, Fenster does not disclose, teach or suggest that the distance or area measurement is provided based on actuations of a mouse button without requiring a user to select whether distance or area is to be measured. A careful reading of Fenster, col. 19, lines 3-18, indicates that the reference merely teaches

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the conventional techniques of obtaining a distance or area measurement, i.e., to obtain a distance measurement, two end points must be selected while to obtain an area measurement, three or more points must be identified (noting that Fig. 14 shows a measurement display window which presumably shows a menu allowing for the selection of either a distance or area measurement). This cannot be construed to indicate that Fenster allows for either distance or area based only upon actuation of the mouse button whereby two clicks provide a distance measurement and three clicks provide an area measurement.

In view of the presence of a measurement display window in Fig. 14 which presumably shows a menu or toolbar to allow for the selection of a measurement graphic of distance or area, it is respectfully submitted that the Examiner has not established a prima facie showing of obviousness of the feature of enabling different measurement graphics to be generated without requiring the user to define the type of graphic.

Moreover, Fenster does not disclose, teach or suggest the generation of an angle value quantity based on actuations of a mouse as now set forth in claim 1. Fenster mentions identifying three or more points to obtain an area measurement.

Echerer et al. also does not disclose generating an angle value quantity based on actuation of a mouse button in a triple-point actuating/positioning. The Examiner referred to col. 15,

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lines 16-19 to support the rejection of claim 4. However, Echerer et al. obtains an angle measurement by clicking on two existing lines, each created by using the mouse to identify two end points thereof (for a total of four points only to create the lines). An additional two clicks of the mouse are necessary to identify the lines between which the angle is sought to be measured. This is an overly complicated technique to measure an angle which differs fundamentally from the relatively simple, triple-point actuating/positioning of the invention which is designed to cause an angle measurement to be performed about a middle point of the triple-point sequence.

Echerer et al. and Fenster therefore do not disclose, teach or suggest generating or enabling the generation of measurement graphics without requiring a user to define the type of graphic being generated and also do not disclose the particular generation of an angle value quantity using a triple-point actuating/positioning sequence.

In view of the foregoing, claim 1 is patentable over Echerer et al. and Fenster when taken either alone under 35 U.S.C. §102 or in combination under 35 U.S.C. §103.

The other references of record do not close the gap between the present claimed invention as defined by claim 1 and Echerer et al. in view of Fenster.

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Therefore, claim 1 and claims 2, 3, 5-9 and 19 which are either directly or indirectly dependent on claim 1 are patentable over all of the references of record under 35 U.S.C. §102 as well as 35 U.S.C. §103.

Claim 10 is an apparatus claim which corresponds to claim 1. Claim 10 is patentable over the cited references for reasons, *inter alia*, set forth above in connection with claim 1. As discussed above, Echerer et al. and Fenster do not disclose, teach or suggest assigning an angle value quantity to a middle point of a triple-point actuating/positioning.

Claims 11, 12 and 14-18 which are either directly or indirectly dependent on claim 10 are patentable over the cited references in view of their dependence on claim 10 and because the references of record do not disclose, teach or suggest each of the limitations set forth in claims 11, 12 and 14-18.

* * * * *

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

Entry of this Amendment under the provisions of 37 C.F.R. §1.116, allowance of the claims, and the passing of the application to issue are respectfully solicited.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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